

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE**

United States of America

v.

Docket No. 03-cr-36-1-PB

Steven A. Swan

O R D E R


After Judge Barbadoro's order of August 28, 2007 setting forth his ruling on the return of seized documents and the procedure to be followed (Document no. 203), the government violated that order by failing to provide to Mr. Swan an inventory of seized documents which it believes it is entitled to keep by the December 28, 2007 deadline. Without so much as an apology or a "by your leave" request, the government purported to provide the ordered inventory to Swan over two weeks late.

The inventory delivered with the letter of January 14, 2008 bears little relationship to the two "return of search warrant" inventories. It also does not identify the documents to be returned. As a consequence, defendant Swan moves to compel an "adequate inventory list." (Document no. 208). The government argues that it has described adequately the materials it believes it is entitled to keep and that the order does not require an inventory of what it intends to return. Assuming, as I do for

now, that the descriptions of each box are accurate, the government has adequately complied with the August 28th order.¹ Defendant is ordered to serve his objections, including to the accuracy of the description, pursuant to the August 28th order on or before March 19, 2008. AUSA Morse is ordered to comply strictly with the Order of August 28th, including all deadlines.

The motion (Document no. 208) is denied.

SO ORDERED.

A handwritten signature in black ink, reading "James R. Muirhead". The signature is written in a cursive style with a large, stylized "J" and "M".

James R. Muirhead
United States Magistrate Judge

Date: February 19, 2008

cc: William E. Morse, Esq.
Steven A. Swan, pro se

¹ If inspection of any of these boxes by the court becomes necessary and the description is wrong or inadequate, AUSA Morse will be held accountable.